HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.7978 of 2006

Date: 20-04-2006

Between:

M. Brahmam

…. Petitioner

and

The Commissioner of Civil Supplies,

Andhra Pradesh, Hyderabad and others.

…Respondents.

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ORDER :

Cancellation of the authorization of the petitioner's Fair Price Shop by the District Supply Officer by order dated 2-11-2005 was unsuccessfully challenged in appeal No.C1/5732/2005, dated
31-3-2006 before the second respondent – Chief Rationing Officer, Hyderabad. Aggrieved by the same, the petitioner filed a revision before the first respondent – Commissioner of Civil Supplies and pending the revision sought for stay of the cancellation order. Since no orders have been passed even on the stay application in the revision petition filed on 10-4-2006, the petitioner filed the present writ petition, questioning the cancellation order, as confirmed by the appellate authority, which is the subject matter of the revision.

Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies.

It is well settled that when a statutory appeal or revision is pending, a writ questioning the very same order cannot be entertained, except directing the revisional/appellate authority, as the case may be, to dispose of the stay application and the main case within a reasonable period (See BMRDA v. GOKAK PATEL VOLKART – (1995) 1 SCC 642). Through to the interim order, pending the appeal, the petitioner was permitted to lift the stock for the month of April and distribute the same to the cardholders. If that is the case, the revisional authority shall consider the same and dispose of the revision within a period of three weeks from the date of receipt of a copy of this order. If, for any reason, it is not possible to dispose of the revision, necessary orders should be passed on the stay application filed by the petitioner, pending the revision.

The writ petition is accordingly disposed of. No costs.

A. GOPAL REDDY,J)

20-4-2006.

NOTE: Issue C.C. in three days.

(B/O)

Msr.

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(Msr)